

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

VIOLATION:
Title 18, United States Code, Section 1341 - Mail Fraud.

E-filing

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: 20 years imprisonment; Fine \$250,000 or twice the amount of loss or gain whichever is greater; 3 years Supervised Release and \$100 Special Assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

ROBERTO HECKSCHER

DISTRICT COURT NUMBER**CR 09 0998****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges → **SI**
 2) Is a Fugitive
 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 5) On another conviction } Federal State
 6) Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No

} If "Yes"
 give date
 filed _____

DATE OF ARREST → Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY → Month/Day/Year

This report amends AO 257 previously submitted

Name and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned) TIMOTHY J. LUCEY

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney
3
4

FILED

E-filing

OCT 15 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

SI

10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ROBERTO HEKSCHER,

15 Defendant.

CR 09

0998

VIOLATION: Mail Fraud, 18 U.S.C. § 1341

17 INFORMATION

18 The United States Attorney charges:

19 1. Between on or about 1979, and continuing through and including on or about June
20 2009, in the Northern District of California, and elsewhere, the defendant,

21 ROBERTO HEKSCHER,

22 knowingly executed and attempted to execute a scheme and artifice to defraud his investors, and
23 knowingly executed and attempted to execute a scheme and artifice to obtain, by means of
24 materially false and fraudulent pretenses, representations, and promises, money and property
25 from his investors, by arranging and brokering a series of purported commercial loans that the
26 defendant promised would generate regular interest payments to his investors, at an annualized
27 rate of return of between approximately 3.33% and 13%, with an average rate of return of
28 approximately 7%. These investments, memorialized in a series of promissory notes, began on

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1 or about 1979 and continued unabated until on or about June 2009.

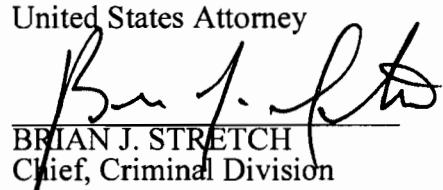
2 In fact and contrary to his representations to his investors, the defendant did not invest the
 3 investors' funds as promised but instead operated a sophisticated "ponzi" scheme whereby new
 4 investment money was transferred to existing clients as "interest payments." The defendant used
 5 the remaining portion of his investors' funds for unauthorized purposes, including gambling and
 6 speculation in the equities and commodities markets. This scheme and artifice has resulted, as of
 7 September 2009, in a loss to investors in excess of at least \$20,000,000.

8 2. On or about December 31, 2008, the defendant ROBERTO HECKSCHER, for the
 9 purpose of executing the scheme and artifice to defraud, did place and caused to be placed in the
 10 post office or other authorized depository for mail matter, or both, located in San Francisco,
 11 California, an envelope addressed to investor A at his then current home address that contained
 12 therein a check payable to investor A along with a payment stub and message to his investors.
 13 This mailing contained therein materially false and fraudulent pretenses, representations and
 14 promises that, among other things, the check represented an interest payment of 6% on an
 15 existing loan principal of \$15,000, so as to give the appearance that investor A had a current and
 16 performing loan, when, in fact, defendant ROBERTO HECKSCHER had never arranged any
 17 loan for the benefit of investor A and was merely transferring money from other investors in
 18 order to lull investor A. This check and payment stub materially misrepresented ROBERTO
 19 HECKSCHER's true financial condition and lulled investor A into maintaining his prior
 20 investment with the defendant.

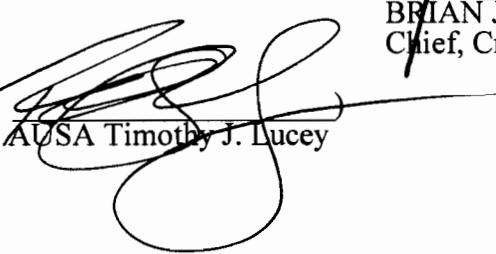
21 All in violation of Title 18, United States Code, Section 1341.

22 DATED: 10 - 14 - 09

23 JOSEPH P. RUSSONIELLO
 24 United States Attorney

25 
 26 BRIAN J. STRETCH
 27 Chief, Criminal Division

28 (Approved as to form:


 AUSA Timothy J. Lucey

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